

REMARKS

Claims 1-9 are pending in the present application. Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,542,905 to Fogel ("Fogel") in view of U.S. Patent No. 6,526,358 to Mathews ("Mathews").

On page 2 of the Advisory Action, the Examiner notes that the features upon which the applicant relies (i.e., the probability as described in the instant application) can be any number other than 1.0 (100% chance an event will happen) are not recited in the rejected claim. Although the undersigned representative maintains that the meaning of "probability" encompasses probabilities other than 100%, claim 1 has been amended to recite that the probability "has a range greater than 0.0 and less than 1.0" in order to expedite prosecution. As previously stated, Fogel assumes all hypothetical conditions are true, which is not assigning a probability. Mathews fails to cure the deficiencies of Fogel.

Thus, in view of the foregoing and the previous Responses, neither Fogel nor Mathews, alone or in combination, teaches or suggests "providing an initial probability of the first hypothesis about the at least one variable, wherein the initial probability has a range greater than 0.0 and less than 1.0," as recited in amended claim 1. Because independent claim 1 is patentable over Fogel and Mathews for the reasons stated above, claims 2-9 are patentable over the cited art for the same reasons stated above. Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejection of claims 1-9 under 35 U.S.C. § 103(a).

CONCLUSION

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned representative, in person or over the telephone, we welcome the opportunity to do so. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account No. 50-4402.

Respectfully submitted,

Date: April 25, 2008
KING & SPALDING LLP
1700 Pennsylvania Avenue, N.W.
Washington, D.C. 20006-4706
(202) 626-8980

By: /Eric L. Saphir, Reg. No. 48,499/
Eric L. Saphir
Registration No. 48,499